

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION INSTITUTES FORMAL
PROCEEDINGS CONCERNING JUDGE JOSE A. VELASQUEZ

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge Jose A. Velasquez of the Monterey County Superior Court. The commencement of formal proceedings is not a determination of judicial misconduct. The formal proceedings concern allegations that the judge (1) found defendants who were not alleged to have violated probation in violation and sentenced them to jail, without due process; (2) increased sentences in response to defendants' questions or comments; (3) improperly based sentences on defendants' answers to his questions about how it felt to commit the crime; (4) did not give defendants being arraigned in certain cases the option of pleading not guilty; (5) issued bench warrants for defendants whose attorneys arrived late to court; (6) made improper comments to defendants and attorneys, including joking remarks about jail time; and (7) allowed his children to be in the bench area and in chambers during case discussions. It is alleged that these actions constitute willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute and improper action.

In accordance with the rules that govern Commission proceedings, a hearing will be conducted by Special Masters appointed by the Supreme Court. At the hearing, the parties can introduce evidence and examine and cross-examine witnesses. Judge Velasquez is represented by attorney James A. Murphy, Esq., of Murphy, Pearson, Bradley and Feeney in San Francisco.

The Special Masters will provide the Commission a report containing findings as to the charges. The parties can then present the Commission their views on the report through briefing and argument. If the Commission determines charges are proved by clear and convincing evidence, it can remove, censure, publicly admonish, or privately discipline the judge. Charges the Commission determines are not proved will be dismissed. A Commission determination is subject to discretionary review by the Supreme Court upon petition by the judge.

The Notice of Formal Proceedings is available for public inspection at the Commission office. A copy of the Notice of Formal Proceedings is also posted on the Commission's Web site at www.cjp.ca.gov (under "Press Releases"). Judge Velasquez's Answer to the notice is presently due May 11, 2006. Upon filing, Judge Velasquez's Answer will be made available for public inspection.

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The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is Marshall B. Grossman, Esq., of Los Angeles, California.